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## Get It in Writing From the C.I.A.

Intelligence chief Stansfield Turner's message to the Senate Intelligence Committee is a setback for those who have worked so patiently to create a legislative charter for the C.I.A. And it is a dramatic display of the need for that charter.

Admiral Turner testifies that, yes, the Administration still wants a law spelling out what our spies may and may not do. But he balks at a key section of the pending charter bill — the one requiring the agency to give Congress confidential advance notice of the riskiest covert operations abroad. He casually discloses that he has not always given the notice the committee thought he had promised. And he implies that if Congress insists on advance notice, the entire bill may become stalemated and die.

If Congress ignores this cavalier challenge, it will risk more than its credibility as watchdog. The failure will demonstrate that the nation has not truly conquered the intelligence excesses of the past. Complaisant Congresses have permitted unsupervised foreign adventures — assassinations, coups, rigged elections — in America's name without demanding that they be squared with America's values or even interests.

The post-Watergate proposals for Congressional oversight captured the essence of reform. But the system itself became excessive, requiring reports to seven or eight committees. It was also inadequately grounded in law — an aggregation of legislative riders, Presidential orders, regulations and understandings.

These were always meant as stopgaps until a comprehensive charter could be enacted. But the C.I.A. now shows less interest in the charter than in relief from particular restraints. The system is working well, Admiral Turner is saying, and needs only a few adjustments. But Congress should not settle for a C.I.A. relief

bill. Having nominated as watchdogs members who know how to keep secrets, Congress should now insist on consultation prior to politically sensitive clandestine operations. No one argues for a Congressional veto, but the legislators can advise against operations that seem ill-conceived and appeal to the President if necessary.

Admiral Turner resists with unconvincing arguments about leaks. He says he can't ask agents to risk their lives, or foreign agencies to cooperate, when there is danger or the appearance of danger of exposing an ongoing operation. But he points to no leaks from Congress even under the admittedly excessive number of reports currently required. Like so many other invocations of "national security," these are exaggerated.

The Admiral's disquieting testimony underscores in yet another way the need for written rules governing intelligence activities.

At his 1977 confirmation hearing, he promised to try to report all covert operations in advance. But he seemed to be promising more than that. The only exception he foresaw was "an extremely rare occasion, when it was not possible to provide information on covert actions in advance. . . ."

"There is always the possibility," he said at that time, "that something might come up in the middle of the night when a decision has to be made right now, and that is the kind of thing that I have in mind in not wanting to be pinned down absolutely." Now he tells the committee that he has made unspecified exceptions on top of his middle-of-the-night exceptions.

So the loose arrangements get looser. The C.I.A. interprets them narrowly or broadly to suit itself and tells Congress what it pleases. More than ever, having an effective and responsible intelligence establishment requires that Congress provide a legally binding compact between that establishment and the rest of society.